

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration • •
322-5660

• • Executive/Legal • •
322-5901

• • Enforcement • •
322-6441

• • Statements of Economic Interest
322-6444

March 27, 1985

Judith Robbins
Williams, Caploe & Robbins
1060 Grant Street, Suite 201
P.O. Box 698
Benicia, CA 94510

Re: Your Request for Advice
Our File No. A-85-040

Dear Ms. Robbins:

Thank you for your request for advice concerning the financial disclosure provisions of the Political Reform Act.^{1/}

My understanding of the situation is as follows. Your office is a private law firm which represents four cities in Contra Costa County as city attorney. In each of the cities represented by the firm, the position of "City Attorney" is designated in the city's conflict of interest code. The arrangements for providing legal services vary by city; they include arrangements by letter, by resolution or by an unwritten understanding and past practice. In some cases, the city has retained the firm to provide city attorney services and designated Charles J. Williams as the city attorney; in other cases, the city has retained Charles J. Williams as the city attorney without specific reference to the firm name. In practice (as all of the cities are aware), Charles J. Williams is the city attorney, the person primarily responsible for the services rendered, and the person to whom payment for services is sent. You, Judith Robbins, are an associate in the firm and provide legal services to the four cities in the capacity of an assistant city attorney. The third principal in the firm, Fred Caploe, has an independent law practice, but, because of his

^{1/} The Act is contained in Government Code Sections 81000-91015. All statutory references are to the Government Code.

Ms. Judith Robbins
March 27, 1985
Page 2

experience in the field of municipal law, he is occasionally called upon to answer questions for the cities when you or Charles Williams are unavailable. Charles Williams files statements of economic interests with each of the cities. You asked whether, under these circumstances, you or Fred Caploe should also be designated in the cities' conflict of interest codes and file statements of economic interests.

As you know, the Act requires that all state and local agencies adopt conflict of interest codes which provide for financial disclosure by the officials and employees of that agency who make or participate in decisions of the agency which could materially affect private financial interests. Sections 87300, et seq. It has been our consistent advice over the years that city and other government attorneys and their assistants and deputies should be designated in the appropriate conflict of interest code with the same disclosure obligations as the decision-makers of the agency. Accordingly, the position of assistant city attorney should be designated in the conflict of interest codes of the cities represented by your firm, and you, as an assistant city attorney, should file statements of economic interests pursuant to those codes.

You have informed us that Mr. Caploe only provides occasional information or advice to the client cities, and does not act as an assistant city attorney. Under these circumstances, he does not have to be designated in the cities' conflict of interest codes and does not have to file statements of economic interests.

I trust that the foregoing discussion answers all of your concerns. If I can be of further assistance, please feel free to contact me at (916) 322-5901.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh

CHARLES J. WILLIAMS
A PROFESSIONAL CORPORATION
FRED CAPLOE
A PROFESSIONAL CORPORATION

JUDITH A. ROBBINS

LAW OFFICES
WILLIAMS, CAPLOE & ROBBINS

1060 GRANT STREET, SUITE 201
P. O. BOX 698
BENICIA, CALIFORNIA 94510

TELEPHONE:
(415) 228-3840
(707) 746-1011

JAN 30 8 26 AM '85
January 24, 1985

State of California
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Attention: Technical Assistance Division

Re: Filing Statements of Economic Interests

Dear Sir or Madam:

This office is a private law firm specializing in municipal law and related fields. We represent four cities in Contra Costa County as city attorney and are requesting that you clarify our obligation to file Statements of Economic Interests. We understand that you may have given advice to a member of the press to the effect that attorneys in the office other than the city attorney may be required to file such Statements. Following is some background information concerning our relationship to the cities which may be helpful in your analysis.

- In each of the four cities we represent, the "City Attorney" is a designated employee covered by the conflict of interest code.
- The arrangements for providing legal services are made by letter, by resolution, or by an unwritten understanding and past practice.
- In some cases the city has retained the firm to provide city attorney services and designated Charles J. Williams as the city attorney; in other cases the city has retained Charles J. Williams as the city attorney without specific reference to the firm name.

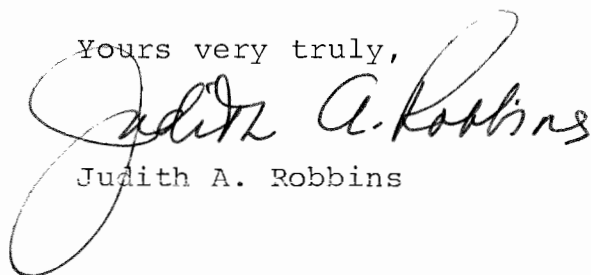
FPPC
Second Page
January 24, 1985

- In practice (as all of the cities are aware) Charles J. Williams is the city attorney, is the person primarily responsible for the services rendered, and is the person to whom payment for services is sent. Judith A. Robbins is an associate in the firm and provides legal services to the cities in the capacity of an assistant city attorney. Fred Caploe has an independent law practice, but because of his long-time experience in the field of municipal law, is occasionally called upon to answer questions for the cities when Charles Williams and Judith Robbins are unavailable.
- Charles J. Williams regularly files Statements of Economic Interests with the cities.

Given these circumstances, please advise us whether members of a private law firm other than the designated City Attorney are required to file Statements of Economic Interests.

Please call if you need additional information to respond.

Yours very truly,

A handwritten signature in cursive script, reading "Judith A. Robbins". The signature is written in dark ink and is positioned above the printed name.

Judith A. Robbins

JR:ss

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

•• Administration ••
322-5660

•• Executive/Legal ••
322-5901

•• Enforcement ••
322-6441

•• Statements of Economic Interest
322-6444

February 20, 1985

Judith A. Robbins
Williams, Caploe & Robbins
P.O. Box 698
Benicia, CA 94510

Re: A-85-040

Dear Ms. Robbins:

Your letter requesting advice under the Political Reform Act has been referred to Diane Maura Fishburn, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:nwm